

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2001-491-C - ORDER NO. 2002-170  
MARCH 7, 2002

IN RE: BellSouth Telecommunications, Inc.,	)	
	)	
Complainant,	)	
	)	
vs.	)	ORDER GRANTING
	)	MOTION FOR LEAVE
	)	TO AMEND
Adelphia Business Solutions of	)	COMPLAINT
South Carolina, Inc.,	)	
	)	
Respondent.	)	

On December 7, 2001, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Public Service Commission of South Carolina ("Commission") a Complaint to Enforce Interconnection Agreement. The Respondent to the Complaint is Adelphia Business Solutions of South Carolina, Inc. ("Adelphia SC"). Pursuant to the applicable Commission's Rules of Practice and Procedure, the Commission's Executive Director served a copy of BellSouth's Complaint on Respondent, Adelphia SC.

Following service of the Complaint, Adelphia SC filed (1) an Answer and (2) a Motion for Partial Dismissal. By its Motion for Partial Dismissal, Adelphia SC asserted that the Commission lacks jurisdiction to consider any aspects of the dispute between Adelphia SC and BellSouth that relate to the purchase of, and payment for, local interconnection services and facilities by other companies in states outside of South Carolina.

Thereafter, BellSouth filed (1) a Reply to Motion for Partial Dismissal, (2) a Motion for Leave to Amend Complaint, (3) a proposed Order Granting Leave to Amend Complaint, and (4) an Amended Complaint to Enforce Interconnection Agreement. By its Reply to Motion for Partial Dismissal, BellSouth acknowledged that any security deposit approved by the Commission should only relate to BellSouth's charges to Adelphia for interconnection services in South Carolina. BellSouth's Motion for Leave to Amend Complaint also acknowledged that any security deposit required by the Commission should be related to BellSouth's billings to Adelphia for interconnection services in South Carolina. BellSouth therefore requested leave to amend its Complaint since the proposed amendment to its Complaint seeks to clarify a matter as requested by the adverse party.

On March 4, 2002, counsel for Adelphia notified the Commission that Adelphia does not object to BellSouth's Motion for Leave to Amend Complaint. Counsel for Adelphia further advises the Commission that she has conferred with counsel for BellSouth and that both agree, under the applicable rules, that Adelphia would have fifteen days, until March 20, 2002, to answer the Amended Complaint.

Upon consideration of the Motion for Leave to Amend Complaint, the Commission hereby grants the Motion. The reasons for the Motion and the agreement of the parties to the Motion are the basis for this Commission's decision. Further, as agreed to by the parties, Adelphia has until March 20, 2002, by which to answer the Amended Complaint. The Commission further finds that Adelphia's Motion for Partial Dismissal is rendered moot by the granting of BellSouth's Motion for Leave to Amend Complaint.

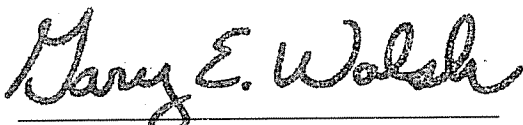
IT IS THEREFORE ORDERED THAT:

1. The Motion for Leave to Amend Complaint filed by BellSouth is hereby granted.
2. Adelphia has until March 20, 2002 by which to answer the Amended Complaint.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)